IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

              Plaintiff,

  v.   **1:06-cr-483-WSD**

ANTHONY G. CHRISTOU,

              Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker's

Report and Recommendation ("Report and Recommendation") [29] on Defendant

Anthony G. Christou's Motion to Suppress Evidence [18], and Amended Motion to

Suppress Evidence (the "Amended Motion") [25].[1] The Magistrate Judge

recommends that the Motion and Amended Motion be denied. No objections to

the Report and Recommendation have been filed and the Court must conduct a

plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th

Cir. 1983), cert. denied, 464 U.S. 1050 (1984). In the absence of objections, and

finding no plain error, the Court adopts the facts set forth in the Report and

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   [1] The Amended Motion to Suppress supercedes the motion originally filed.
The Magistrate Judge's Report & Recommendation and this Court address the
contentions of the Amended Motion.

Recommendation.

The Amended Motion advances several factually unsupported arguments for suppression of "the tangible and derivative evidence obtained as well as any mention thereof at trial . . . ." (Amended Mot. at 2.) The Defendant does not identify any specific factual information or legal authority upon which the Court could evaluate his challenge. The most notable deficiencies in the Defendant's presentation are his failure to identify the evidence alleged to have been seized illegally and his refusal to articulate specific legal grounds for suppression.

The evidence the Defendant appears to seek to suppress was seized during the execution of two search warrants. Both warrants were issued based on a thorough presentation of sworn testimony to a Magistrate Judge in this district. Both warrants were returned by a Magistrate Judge, who found that probable cause existed for the warrants to be issued. Although the Defendant claims that evidence outside of the scope of the warrant was seized, and that the Magistrate Judge issued the warrant based on misrepresentations, he does not identify which seized evidence fell outside of the warrant's scope or on what false statements the Magistrate Judge is alleged to have relied. Other than the Defendant's non-specific and factually unsupported claims, there is no indication that evidence other than

that described in the warrants was seized or that the warrants were not properly issued. There is no indication that the issuing Magistrate Judge wholly abandoned his judicial role, that the supporting affidavits so lacked any indicia of probable cause that official belief in its existence was unreasonable, or that the warrant was so facially deficient that the executing agent could not have reasonably believed it to be valid. See United States v. Leon, 468 US 897, 922 (1984); United States v. Robinson, 336 F.3d 1293, 1296 (11th Cir. 2003).

This Court, on independent review of the warrants and their supporting affidavits, finds that the facts sworn to would "lead a reasonable cautious person to believe that the search will uncover evidence of a crime. United States v. Burgos, 720 F.2d 1520, 1525 (11th Cir. 1983). The Magistrate Judge issuing the warrants had a substantial basis for concluding that probable cause existed, and there is no indication that the seizure exceeded the warrants' scope.

The Court has carefully reviewed the Report and Recommendation and the search warrants issued in this case. The Defendant did not object to the Report and Recommendation. The Court finds no plain error in the conclusions and recommendations set forth in the Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Court **ADOPTS AS ITS ORDER** the

Report and Recommendation issued by the Magistrate Judge, and Defendant's

Motion to Suppress [18] and Amended Motion to Suppress [25] are **DENIED**.

SO ORDERED this 30th day of May, 2007.

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WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE